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CHAPTER 98.

An Act Respecting the Profession of Medicine
and Surgery.

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HER MAJESTY, by and with the advice and consent of the Legislative Assembly of Manitoba, enacts as follows:—

SHORT TITLE.

Short title. 1. This Act may be cited as "The Medical Act." 49 V. c. 31, s. 1, *part*.

ORGANIZATION.

College of P. & S. a body corporate. 2. The Medical Profession of Manitoba, heretofore incorporated under the name and style of "The College of Physicians and Surgeons of Manitoba," shall be deemed to be and to have been from its first establishment a body corporate by the name aforesaid, having perpetual succession and a common seal, with power to acquire, hold, and dispose of chattel property and real estate for the purposes of this Act, and to sue and be sued in the manner usual with such corporations. 49 V. c. 31, s. 2.

Members of College under c. 9 C. S. M. and other former Acts. 3. Every person registered according to the provisions of the Act chaptered nine of the Consolidated Statutes of Manitoba relating to the Medical Profession and of the Acts amending the same or of any other Act of the Legislature of Manitoba relating to the Medical Profession shall be a member of the said College of Physicians and Surgeons of Manitoba. 49 V. c. 31, s. 3.

4. Every person hereafter registered under the provisions of this Act shall also be a member of the said College. 49 V. c. 31, s. 4. Other members.

COUNCIL.

5. There shall be a Council of the said College of Physicians and Surgeons of Manitoba, to be appointed in the manner hereinafter provided for in this Act, and referred to in this Act as the "Council." 49 V. c. 31, s. 5. Council.

6. The Council shall be composed of the following persons :— Composition of council;

(a.) Three members to be chosen from the Manitoba Medical College, who shall be selected from amongst the members of the Corporation at a regular meeting thereof duly called for that purpose : Representation from Man. Med. College

(b.) Two members to be chosen in a similar manner from the members of the Corporation of any Medical College in the Province of Manitoba that may hereafter become affiliated with the University of Manitoba : Representation from other Medical colleges.

(c.) Three members to be chosen by the licensed practitioners of the City of Winnipeg ; Representation from Winnipeg.

(d.) Three members to be chosen by the licensed practitioners of each of the Electoral Districts of Selkirk and Marquette as divided under Chapter six of the Revised Statutes of Canada for representation in the House of Commons of Canada ; Representation from Selkirk and Marquette.

(e.) One member to be chosen by the licensed practitioners of each of the Electoral Divisions of Provencher and Lisgar as divided under Chapter six of the Revised Statutes of Canada for representation in the House of Commons of Canada ; Representation from Provencher and Lisgar.

(f.) One or more members to be chosen in a similar manner by the licensed practitioners of homeopathy in the Province in accordance with the provisions hereinafter contained. 49 V. c. 31, s. 6 ; 51 V. c. 36, s. 1. Homeopaths.

7. The homeopathic practitioners who shall be licensed and registered under this Act shall be entitled to elect a representative or representatives as follows :— Representation by homeopathic practitioners.

(a.) Until the number of registered homeopathic practitioners in the Province shall reach more than fifteen, they shall be entitled to elect one representative ;

(b.) After the number shall exceed fifteen, they shall, at the first election thereafter, be entitled to elect an additional representative ;

(c.) Upon their exceeding thirty, they shall at the first election thereafter be entitled to elect an additional member : and—

(d.) So on, so as to entitle them to elect an additional representative for every additional fifteen registered homeopathic practitioners in the Province. 51 V. c. 36, s. 3, *part*.

Licensees only
eligible for
election.

8. No person shall be eligible for election as a member of the Council except he be a practitioner licensed under this Act, and no teacher or lecturer in the above mentioned College or Colleges shall hold a seat in the Council except he be elected by the Medical College as its representative, and no person shall be elected under sub-sections (c.), (d.) and (e.) of the sixth section of this Act except he be a resident within the territory which he may represent. 49 V. c. 31, s. 6, s-s. 6.

Provision as
to election
to be made by
by-law.

9. The manner of holding such elections shall, with respect to the time thereof and the taking, the votes thereat, be determined by a by-law of the Council, and in default of such by-law the Lieutenant Governor shall prescribe the time and manner of holding such election or elections. 49 V. c. 31, s. 6, s-s. 7, *part*.

Term of office.

10. The members of the Council provided for by sub-sections (c.), (d.), (e.) and (f.) of the sixth section of this Act shall be elected for the period of three years ; but any member, whether elected to represent a Medical College or a territorial division, or the homeopathic practitioners may resign his appointment at any time by letter addressed to the President or Registrar of the Council. 49 V. c. 31, s. 7, *part*.

Vacancies and
new elections.

11. Upon the death or resignation of any member of the Council, it shall be the duty of the Registrar forthwith to notify the College wherein such vacancy has occurred of such death or resignation, and such College shall have the power to nominate another duly qualified person to fill such vacancy; or if the vacancy be caused by the death or resignation of any member elected from a territorial division, the Registrar shall forthwith cause a new election to be held in such terri-

torial division in such manner as may be provided for by by-law of the Council; and such election shall be conducted in accordance with the by-laws and regulations of the Council, but it shall be lawful for the Council during such vacancy to exercise the powers hereinafter mentioned. 49 V. c. 31, s. 7, *part*.

12. The manner and time of holding the elections for homeopathic representatives shall be as far as applicable those prescribed by the by-laws of the Council for holding the election of other elected members and the Council shall by by-law make any further provisions that may be requisite for the holding of such elections, and in default thereof the Lieutenant Governor shall prescribe such provisions as he may deem proper for such purpose. 51 V. c. 36, s. 4.

Manner and time of holding elections.

13. In case of the death or resignation of any homeopathic member of the Council before the number of representatives shall be as many as three, the Lieutenant-Governor shall appoint his successor to hold office until the next succeeding election of members; and upon the number reaching three, then in case of such death or resignation the remaining homeopathic members of the Council shall fill the vacancy. 51 V. c. 36, s. 5.

Death or resignation of representative.

14. The provisions of this Act applicable to members elected under said sub-sections (*c.*), (*d.*) and (*e.*) of the sixth section of this Act, with the exception of the provisions as to filling of vacancies, shall apply to such homeopathic representatives, and all the registered homeopathic practitioners in the Province, and they only shall be eligible to vote for homeopathic representatives, and no homeopathic member of the College shall be allowed to vote for any other than homeopathic candidates or representatives. 51 V. c. 36, s. 6.

Voting by Homeopathic practitioners.

15. No member of the College of Physicians and Surgeons of Manitoba who is in arrear for his annual fees or any part thereof shall be entitled to vote at elections for members of the Council or be eligible for election as a member thereof. 51 V. c. 36, s. 22.

Non payment of fees dis-entitles to vote.

16. In case of any doubt or dispute as to the legality of the election of any member of the Council, it shall be lawful for the Council to hold an inquiry and decide who is the legally elected member of the Council; and the person whom they decide to have been elected shall be and be deemed to be the member legally elected; and if such election be found to have been illegal, the Council shall have power to order a new election. 49 V. c. 31, s. 8.

Disputed elections.

OFFICERS.

Appointment
of officers.

17. The Council shall annually appoint from amongst themselves a President, a Vice-President, a Registrar, a Treasurer and such other officers as may from time to time be necessary for the working of this Act, who shall hold office during the pleasure of the Council; and the said Council shall have power to fix by by-law from time to time the salaries or fees to be paid to such officers. 49 V. c. 31, s. 11.

Salaries and
fees.

Executive
committee and
its duties.

18. The Council shall appoint annually from amongst its members an "Executive Committee," to take cognizance of and action upon all such matters as may be delegated to it by the Council or such as may require immediate interference or attention between the adjournment of the Council and its next meeting, and all such acts shall be valid only until the next ensuing meeting of the Council; but such Committee shall have no power to alter, repeal or suspend any by-law of the Council. 49 V. c. 31, s. 12.

MEETINGS.

Meetings,
rules, regula-
tions, &c.

19. The said elected members of the Council shall, together with the members to be appointed or elected by the College or Colleges, as mentioned in the sixth section of this Act, make rules and regulations as to the time and place of meetings of the Council and the mode of summoning meetings of the Council, and it shall be lawful for the President thereof or, in the event of his absence or death, for the Registrar to summon the same at such time and place as to him may seem fit, by circular letter to be mailed to each member. 49 V. c. 31, s. 9, *part*.

Notices of
meeting.

20. At least two weeks' notice of a meeting of such Council shall be given, and in the event of the absence of the President from any meeting the Vice President or, in his absence, some other member, to be chosen from among the members present, shall act as President. 49 V. c. 31, s. 9, s-s. 1.

Majority to
decide—
Quorum.

21. All acts of the Council shall be decided by the majority of the members present, not being less than seven in number. 49 V. c. 31, s. 9, s-s. 2.

Casting vote.

22. At all meetings the President for the time being shall have a casting vote only. 49 V. c. 31, s. 9, s-s. 3.

Indemnity to
Council.

23. There shall be paid to the members of the Council such fees for attendance not exceeding five dollars per day, and travelling expenses not exceeding ten cents a mile one way, as may from time to time be fixed by by-law passed by the said Council. 49 V. c. 31, s. 10.

REGISTRAR—REGISTER—FEES.

24. The Council shall cause to be kept by an officer appointed by them, and to be called the Registrar, a book or register, to be known as "The Manitoba Medical Register," in which shall be entered the name of every person registered according to the provisions of this Act or the Acts mentioned in the third section of this Act, and from time to time the names of all persons who have complied with the enactments hereinafter contained, and with the rules and regulations made or to be made by the Council respecting the qualifications to be required from practitioners of Medicine, Surgery and Midwifery in this Province. 49 V. c. 31, ss. 13, 21, *parts*.

Registration of members.

25. Those only whose names are inscribed in the book or register above mentioned, shall be deemed to be qualified and licensed to practise Medicine, Surgery and Midwifery in this Province. 49 V. c. 31, s. 13, *part*.

Registered members only entitled to practise.

26. Such book or register shall at all times be open and subject to inspection by any duly registered practitioner in Manitoba. 49 V. c. 31, s. 13, *part*.

Register to be open for inspection.

27. Any person duly registered in the register of said College of Physicians and Surgeons, under the Acts relating to the Medical Profession when these Revised Statutes take effect, shall be deemed to be registered under this Act.

Who are to be deemed registered under Act.

28. The Registrar shall immediately upon his appointment, without the payment of any fee whatever, enter in the register the name of every person mentioned in the third section of this Act and not already entered therein or duly erased therefrom. 49 V. c. 31, s. 22.

Registrar to enter certain parties without fee.

29. Every person who possesses one or more of the following qualifications shall, upon payment of the fee to be fixed for each particular class by by-law of the Council, be entitled to be registered on producing to the Registrar the document proving such qualification; that is to say,—

Entries on payment of fee.

(a.) Every person who, upon the coming into force of these Revised Statutes, was entitled to be so registered;

(b.) Any member of any incorporated College of Physicians and Surgeons of any Province of the Dominion of Canada, or any member of any other incorporated body of medical men in Canada exercising powers similar to those conferred by this Act upon the College of Physicians and Surgeons of Manitoba, where, by the laws of the Province under which

the said incorporated body exists, similar rights to registration and to practise medicine are granted to the persons incorporated under this Act;

(c.) Every person mentioned in chapter forty-eight of the Acts of the Parliament of the United Kingdom passed in the forty-ninth and fiftieth years of Her Majesty's reign;

Graduates

(d.) Every graduate in medicine upon examination of the University of Manitoba;

(e.) Every person who produces to the Registrar the certificate under the Corporate Seal of the University of Manitoba hereinafter provided for. 49 V. c. 31, s. 23; 53 V. c. 26, s. 2.

Duties of
Registrar as
to register.

30. It shall be the duty of the Registrar to keep his register correct in accordance with the provisions of this Act and the rules, orders and regulations of the Council, and he shall from time to time make the necessary alterations in the addresses or qualifications of the persons registered under this Act. 49 V. c. 31, s. 14, *part*.

Other duties.

31. The said Registrar shall perform such other duties as may be imposed upon him by the Council. 49 V. c. 31, s. 14, *part*.

Annual fees.

32. Each member of the College shall pay to the Registrar, or to any person deputed by the Registrar to receive it, such annual fee as may be determined by by-law of the Council, not less than two and not more than five dollars, towards the general expenses of the College, which last mentioned fee shall be payable on the first day of January in the year for which the same is imposed; and such fee shall be a debt deemed to be due by the member to the College, and shall be recoverable with costs of suit in the name of the College of Physicians and Surgeons of Manitoba in the County Court of the Judicial Division in which the member resides. 49 V. c. 31, s. 15.

Regulations
as to register
and fee.

33. The Council shall from time to time, as occasion may require, make orders, regulations or by-laws for regulating the register to be kept under this Act, and the fee to be paid for registration. 49 V. c. 31, s. 16.

Registration
of *accessit*.

34. Every person registered under this Act who obtains a higher degree, or any qualification other than the qualification in respect of which he has been registered, shall be entitled to

have such higher degree or additional qualification inserted in the register, in substitution for, or in addition to, the qualification previously registered, on the payment of such fees as the Council may appoint. 49 V. c. 31, s. 17.

35. No qualification shall be entered on the register, either on the first registration or by way of addition to a registered name, unless the Registrar be satisfied by proper evidence that the person claiming it is entitled to it; and any appeal from the decision of the Registrar may be decided by the Council. 49 V. c. 31, s. 18, *part.* Proof of degrees, &c.

36. In the event of the Registrar being dissatisfied with the evidence adduced by the person claiming to be registered, he shall have power subject to an appeal to the Council, of refusing the said registration until the person claiming to be registered has furnished proper evidence, duly attested by oath or affirmation, before the Judge of any County Court 49 V. c. 31, s. 18, s-s. 1. Refusal of registration.

37. If the Registrar make or cause to be made any wilful falsification in any matter relating to the register, he shall incur a penalty of fifty dollars and shall be disqualified from again holding that position. 49 V. c. 31, s. 29. Falsifying register.

FORFEITURE OF RIGHT TO REGISTRATION—ERASURE OF NAMES

38. Any entry in the register proved to the satisfaction of the Council to have been fraudulently or incorrectly made may be erased from the register by an order in writing of the Council. 49 V. c. 31, s. 18, *part.* Erasure of names.

39. If any person procure, or cause to be procured, his registration under this Act, by means of any false or fraudulent representations or declaration, either verbally or in writing, it shall be lawful for the Registrar, upon the receipt of sufficient evidence of the falsity or fraudulent character of said representations or declaration, to represent the matter to the Council, and, upon the written order of the President, attested by the Seal of the College, to erase the name of such person from the register, and to make known the fact and cause of such erasure by notice to be published in the *Manitoba Gazette*; and after such notice has appeared, the person whose name has been erased as aforesaid shall cease to be a member of the College of Physicians and Surgeons of Manitoba, and shall cease to enjoy any of the privileges enjoyed or conferred by registration under this Act at any further time without express sanction of the Council. 49 V. c. 31, s. 30, *part.* Erasure on account of fraudulent representation.

Forfeiture by
crime or
misconduct.

40. Any registered medical practitioner who, either before or after the passing of this Act and either before or after he is so registered, has been convicted in any Court of any felony or misdemeanor shall thereby forfeit the right to registration, and by direction of the Council his name shall be erased from the register; or in case a person known to have been convicted of a felony or misdemeanor present himself for registration, the Registrar shall have power to refuse such registration; and if any person registered under this Act shall, after due enquiry by the Council, be adjudged to have been guilty of infamous or unprofessional conduct in any respect, the Council may, if they see fit, direct the Registrar to erase the name of such person from the register. 49 V. c. 31, s. 19; 51 V. c. 36, s. 10.

Erasure of
names from
register and
inquiry
therefore.

41. The Council may, and upon the application of any three registered medical practitioners shall, cause inquiry to be made into the case of a person alleged to be liable to have his name erased under the last preceding section, and on proof of such conviction or of such infamous or unprofessional conduct shall cause the name of such person to be erased from the register :

Provided that the name of a person shall not be erased under this or the last preceding section on account of his adopting or refraining from adopting the practice of any particular theory of medicine or surgery, nor on account of a conviction for a political offence out of Her Majesty's dominions, nor on account of a conviction for an offence which, though within the provisions of the last preceding section, ought not in the opinion of the Council or the committee hereinafter named, either from the trivial nature of the offence or from the circumstances under which it was committed, to disqualify a person from practising medicine or surgery. 51 V. c. 36, s. 11.

Costs if charge
frivolous.

42. The Council may order to be paid out of any funds at their disposal such costs as to them may seem just to any person against whom any complaint has been made, which when fully determined is found to have been frivolous and vexatious. 51 V. c. 36, s. 12.

Re-entry of
erased name.

43. Where the Council direct the erasure from the register of the name of any person or of any other entry, the name of that person or that entry shall not be again entered on the register, except by the direction of the Council or by the order of a Judge or of a Court of competent jurisdiction. 51 V. c. 36, s. 13.

Re-entry of
erased name
by order of
Council.

44. If the Council think fit in any case, they may direct the Registrar to restore to the register any name or entry erased therefrom, either without fee or on payment of such

fee, not exceeding the registration fee, as the Council may from time to time fix, and the Registrar shall restore the same accordingly. 51 V. c. 36, s. 14.

45. The Council shall, for the purpose of exercising in any case the powers of erasing from and of restoring to the register the name of a person or any entry, ascertain the facts of such case by a committee of their own body not exceeding five in number, of whom the quorum shall be not less than three; and a written report of the committee may be acted upon as to the facts therein stated for the purpose of the exercise of the said powers by the Council. 51 V. c. 36, s. 15.

46. The Council shall from time to time appoint, and shall always maintain, a committee for the purposes of the six last preceding sections, and, subject to the provisions of this Act, may from time to time determine the constitution and the number and tenure of office of the members of the Committee. 51 V. c. 36, s. 16, *part*. Committee always to be maintained.

47. In any case to be tried or inquired into outside of the City of Winnipeg, the Council may appoint a special committee whose powers and authorities shall be as provided in this Act. 51 V. c. 36, s. 16, s-s. (*a.*) Special committee.

48. The committee shall meet from time to time for the despatch of business, and, subject to the provisions of this Act and of any regulations from time to time made by Council, may regulate the summoning, notice, place, management and adjournment of such meetings, the appointment of a Chairman, the mode of deciding questions and, generally, the transaction and management of business, including the quorum; and if there be a quorum the committee may act notwithstanding any vacancy in their body. In case of any vacancy the committee may appoint a member of the Council to fill the vacancy until the next meeting of the Council. 51 V. c. 36, s. 17. Committee, meetings and powers of.

49. The committee under the four last preceding sections may, for the purpose of the execution of their duties under this Act, employ at the expense of the Council such legal or other assessor or assistant as the committee may think necessary or proper; and the person whose conduct is the subject of inquiry shall also have the right to be represented by counsel; Committee may employ legal assistance.

Provided that all meetings of any such committee, when held for taking evidence or otherwise ascertaining the facts, shall be held within the Judicial District where the member complained of resides or the alleged offence has been committed, unless he shall personally or by a counsel or agent consent to have the inquiry held elsewhere. 51 V. c. 36, s. 18. Accused has like right. Place of trial.

Procedure
before com-
mittee.

Oath, &c.

50. At least one week before the first meeting of the committee to be held for taking the evidence or otherwise ascertaining the facts, a notice shall be served upon the person whose conduct is the subject of inquiry, and such notice shall embody a copy of the charges made against him or a statement of the subject matter of the inquiry, and shall also specify the time and place of such meeting. The testimony of witnesses shall be taken under oath, which the chairman or acting chairman of the committee is hereby authorized to administer, and there shall be full right to cross-examine all witnesses called and to call evidence in defence and reply. In the event of the non-attendance of the person whose conduct is the subject of such inquiry, the committee may, upon proof of personal service of the notice aforesaid in accordance with the provisions of this section, which proof of service may be by statutory declaration, proceed with the subject matter of the inquiry in his absence and make their report of the facts without further notice to such person. 51 V. c. 36, s. 19.

APPEAL.

Act may be
pleaded in bar.

Appeal,
right of.

51. No action shall be brought against the Council or the said committee for anything done *bona fide* under this Act, notwithstanding any want of form in the proceedings: but any person whose name has been ordered to be erased from the register may appeal from the decision of the Council to any Judge of the Court of Queen's Bench for Manitoba at any time within six months from the date of the order for such erasure, and such Judge may, upon the hearing of such appeal, make such order as to the restoration of the name so erased, or confirming such erasure, or for further inquiries by the committee or Council into the facts of the case, and as to costs, as to such Judge shall seem right in the premises. 51 V. c. 36, s. 20.

Proceedings
on appeal.

52. The appeal may be by summons served upon the Registrar to show cause, and shall be founded upon a copy of the proceedings before the committee, the evidence taken, the committee's report and the order of the Council in the matter, certified by the Registrar; and the Registrar shall, upon the request of any person desiring to appeal, furnish to any such person a certified copy of all proceedings, reports, orders and papers upon which the committee have acted in making the order complained of. 51 V. c. 36, s. 21.

EVIDENCE OF REGISTRATION.

Burden of
proof.

53. In any trial under this Act the burden of proof as to registration shall be upon the person charged. 49 V. c. 31, s. 40.

54. In all cases where proof of registration under this Act is required to be made, the production of a certificate that the person or persons therein named is or are duly registered, certified under the hand of the Registrar of the Council for the time being, shall be sufficient evidence of such registration in lieu of the production of the original register; and any such certificate purporting to be signed by any person in the capacity of Registrar of the Council under this Act shall be *prima facie* evidence that such person is such Registrar, without any proof of his signature or of his being in fact such Registrar. 49 V. c. 31, s. 41.

Certificates to make *prima facie* proof.

55. The Registrar of the Council shall from time to time, under the direction of the Council, cause to be printed and published a correct register, in the form set forth in the Schedule to this Act or to the like effect, of the names of all persons appearing on the register, as existing on the day of publication, in alphabetical order according to their surnames, with their respective residences, and together with the medical titles, diplomas and qualifications conferred by any College or body, and the dates thereof. 49 V. c. 31, s. 21, *part*.

Register to be published.

56. A copy of such register for the time being, purporting to be so printed and published as aforesaid, shall be *prima facie* evidence in all Courts and before all justices of the peace and others that the persons therein specified are registered according to the provisions of this Act. 49 V. c. 31, s. 21, *part*.

Copy of to make proof *prima facie*.

57. In the case of any person whose name does not appear in such copy, a certified copy, under the hand of the Registrar of the Council, of the entry of the name of such person on the register shall be evidence that such person is registered under the provisions of this Act. 49 V. c. 31, s. 21, s-s 1.

Certificates by Registrar *prima facie* proof.

58. Except as in the last preceding section mentioned, the absence of the name of any person from such copy shall be *prima facie* evidence that such person is not registered according to the provisions of this Act. 49 V. c. 31, s. 21, *part*.

Effect of absence of name.

EFFECT OF REGISTRATION OR NON-REGISTRATION.

59. Every person registered under the provisions of this Act shall be entitled according to his qualification or qualifications to practise medicine, surgery or midwifery or any of them, as the case may be, in the Province of Manitoba, and to demand and recover in any Court of law, with full costs of suit, reasonable charges for professional aid, advice and visits, and the cost of any medicine or other medical appliances rendered or supplied by him to his patients. 49 V. c. 31, s. 20.

Recovery of professional charges.

Non-regis-
tration deprives
party of right
to recover

60. Any person entitled to be registered under this Act, but who neglects or omits to be so registered, shall not be entitled to any of the rights or privileges conferred by registration under the provisions of this Act, so long as such neglect or omission continues; and he shall be liable to all the penalties imposed by this Act or by any other Act in force against unqualified or unregistered practitioners. 49 V. c. 31, s. 28.

Subjections to
penalty.

Persons not
registered
prohibited
from practis-
ing.

61. It shall not be lawful for any person not registered to practise medicine, surgery or midwifery for hire, gain or hope of reward. 49 V. c. 31, s. 31, *part*.

Non-regis-
tered practi-
tioners cannot
recover fees.

62. No person shall be entitled to recover any charge in any Court of law for any medical or surgical advice, or for attendance, or for the performance of any operation, or for any medicine which he may have prescribed or supplied, unless he be registered under this Act; but this section shall not extend to the sale of any drug or medicine by any duly licensed chemist or druggist. 49 V. c. 31, s. 34.

Non-regis-
tered persons
not eligible for
medical office.

63. No person shall be appointed as medical officer, physician or surgeon in any branch of the public service of this Province, or in any hospital or other charitable institution not supported wholly by voluntary contributions, unless he be registered under the provisions of this Act. 49 V. c. 31, s. 35.

Certificate by
non-registered
practitioner
invalid.

64. No certificate required by any Act now in force or that may hereafter be passed, from any physician or surgeon or medical practitioner, shall be valid unless the person signing the same be registered under this Act. 49 V. c. 31, s. 36.

"Legally" or
"duly quali-
fied medical
practitioner."

65. The expression "legally qualified medical practitioner" or the expression "duly qualified medical practitioner" or any other words or expression importing legal recognition of any person as a medical practitioner or member of the medical profession, when used in any Act or law, shall, in so far as such Act or law applies to this Province, be construed to mean a person registered under this Act. 49 V. c. 31, s. 46.

Exemption
from jury
service.

66. Every person who shall be registered under the provisions of this Act shall be exempt, if he so desire, from serving on all juries and inquests whatsoever. 49 V. c. 31, s. 47.

Limitation of
actions for
malpractice.

67. No duly registered member of the College of Physicians and Surgeons of Manitoba shall be liable in any action for negligence or malpractice by reason of professional services

requested or rendered, unless such action be commenced within one year from the date when, in the matter complained of, such professional services terminated. 51 V. c. 36, s. 9.

EXAMINATIONS AND CERTIFICATES.

68. The University of Manitoba shall be the sole examining body in medicine in this Province, and the Council of the University shall have power from time to time to grant to any person or persons a certificate under the Seal of the University that the Council of the University have been satisfied that the person mentioned in the certificate is, by way of Medical education and otherwise, a proper person to be registered under this Act; but such certificate shall not be granted until the person or persons making such application shall have given such evidence of qualification, by undergoing an examination or otherwise, as the Statutes of the University then in force may require, and the applicant shall in all other respects first comply with the rules and regulations of the University in that behalf. 49 V. c. 31, s. 24. Examinations and certificates.

69. Until a Homeopathic Medical College for teaching purposes is established in Manitoba, in the cases of candidates wishing to be registered as Homeopaths, the full time of attendance upon lectures and hospitals required by the University Statutes may be spent in such Homeopathic Medical College or Colleges in the United States or in Europe as may or shall be recognized by the University of Manitoba. 51 V. c. 36, s. 8, s-s. 1. Homeopathist, where trained.

70. Every candidate who at the time of his examination signifies his wish to be registered as a Homeopathic practitioner shall not be required to pass an examination in either Materia Medica or Therapeutics, or in the Theory or Practice of Physic, or in Surgery or Midwifery, except the operative practical parts thereof, before any examiners other than those Homeopathic examiners who shall from time to time be appointed by the University of Manitoba. 51 V. c. 36, s. 8, s-s. 2. Subjects not to be examined on except by H. examiners.

REPRESENTATION IN UNIVERSITY COUNCIL.

71. The Council of the College of Physicians and Surgeons of Manitoba shall from amongst themselves, at a meeting specially called for that purpose, select annually seven persons to be members of the University Council, and of these seven persons so to be selected three shall be members of the Manitoba Medical College, as provided in sub-section (a.) of the sixth section of this Act. 49 V. c. 31, s. 25, *part.* Members of University Council.

How selected.

72. The said seven persons shall be selected in the manner provided by by-law or resolution of the Council of the College of Physicians and Surgeons of Manitoba, and they shall thereby become members of the Council of the University of Manitoba within the meaning of section four of the Act known as "The University Act of Manitoba." 49 V. c. 31, s. 25, s-s. 1.

OFFENCES AND PENALTIES.

Fine for
fraudulent
registry, &c.

73. If any person wilfully procure or attempt to procure himself to be registered under this Act by making any false or fraudulent representation or declaration, either verbally or in writing, he shall, on conviction thereof before any justice of the peace, incur a penalty not exceeding one hundred dollars; and every person knowingly aiding or assisting him therein shall, on conviction thereof, incur a penalty of not less than twenty nor more than fifty dollars for each offence. 49 V. c. 31, s. 30, s-s. 1.

Penalty for
unqualified
person prac-
tising.

74. If any person not registered pursuant to this Act, for hire, gain or hope of reward, practise or profess to practise medicine, surgery or midwifery, or advertise to give advice in medicine, surgery or midwifery, he shall upon a summary conviction thereof before any justice of the peace, for any and every such offence, pay a penalty not exceeding one hundred dollars nor less than twenty-five dollars. 49 V. c. 31, s. 31, *part*

Penalty for
falsely assum-
ing medical
title.

75. Any person who wilfully or falsely pretends to be a physician, doctor of medicine, surgeon or general practitioner, or assumes any title, addition or description other than he actually possesses and is legally entitled to, shall be liable, on conviction thereof before a justice of the peace, to a penalty not exceeding fifty dollars nor less than ten dollars. 49 V. c. 31, s. 32.

Penalty for
assuming
title, falsely
showing regis-
tration.

76. Any person not registered pursuant to this Act, who takes or uses any name, title, addition or description implying or calculated to lead people to infer that he is registered under this Act, or that he is recognized by law as a Physician, Surgeon, Accoucheur, or a Licentiate in Medicine, Surgery or Midwifery, shall be liable, upon a summary conviction thereof before a justice of the peace, to pay a penalty not exceeding one hundred dollars nor less than twenty-five dollars. 49 V. c. 31, s. 33.

Penalties
under Act to
be paid Regis-
trar.

77. All penalties recoverable under this Act shall be paid to the convicting justice and by him be paid to the Registrar of the College, and shall form part of the funds thereof. 49 V. c. 31, s. 44, *part*.

PROSECUTIONS

78. Any prosecutions under this Act may be brought or heard before any one or more of Her Majesty's justices of the peace having jurisdiction where any such offence has been committed: and such justice or justices may award a payment of costs in addition to the penalty; and in case the penalty and costs awarded by him or them be not upon conviction forthwith paid, he or they may commit the offender to the common gaol of the Judicial District in which the offence has been committed, there to be imprisoned for any term not exceeding one month, unless the penalty and costs be sooner paid. 49 V. c. 31, s. 37.

Prosecutions
under this
Act.

Imprisonment
in default of
payment.

79. All prosecutions against any one acting in contravention of the provisions of this Act shall take place in accordance with the Act of the Parliament of Canada, known as "The Summary Convictions Act," and any Act or Acts amending the same. 49 V. c. 31, s. 38.

Form of
prosecutions.

80. Any person may be prosecutor or complainant under this Act, and the Council may allot such portion of the penalties recovered as may be expedient towards the payment of such prosecution. 49 V. c. 31, s. 44, *part*.

Any person
may prose-
cute.

81. Every prosecution under this Act shall be commenced within six months from the date of the alleged offence. 49 V. c. 31, s. 42.

Limitation of
prosecutions.

82. Any person convicted under this Act who gives notice of appeal against the decision of the convicting justice shall be required, before being released from custody, to give the said justice satisfactory security for the amount of the penalty and the costs of conviction and appeal. 49 V. c. 31, s. 39.

Security upon
appeals.

83. The Council of the College of Physicians and Surgeons of Manitoba, by an order signed by the President and having the seal of the College appended thereto, may stay proceedings in any prosecution under this Act where it is deemed expedient. 49 V. c. 31, s. 43.

Stay of pro-
ceedings.

MONEYS.

84. All moneys forming part of the Council funds shall be paid to the Treasurer, and may be applied to carry this Act into execution. 49 V. c. 31, s. 45.

Council funds.

SCHEDULE.

The following is the Schedule referred to in this Act:

SCHEDULE A.

(Section 55.)

Register.

REGISTER.

No.	Name.	Residence.	Date of Graduation.	Where Graduated.	Qualification Registered.	Date of Registration.	Remarks.

49 V. c. 31, s. 21, Sch. A.